

AMENDED IN ASSEMBLY JANUARY 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1520

Introduced by Assembly Member Kehoe

February 21, 2003

An act to add ~~and repeal~~ Chapter 8.7 (commencing with Section ~~13370~~ ~~of 1370~~) to Division 6 of the Military and Veterans Code, relating to ~~veterans~~ *veterans'* memorials.

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, as amended, Kehoe. ~~Lesbian-Gay-Bisexual and Transgender Veterans' Memorial~~ *Memorials* Commission.

Existing law establishes the California Mexican American Veterans' Memorial Beautification and Enhancement Commission and provides for its composition and duties. Existing law authorizes the beautification and enhancement of an existing memorial on state grounds, as defined, and authorizes the commission to establish a schedule for its design, construction, and dedication; to solicit designs and devise a process for selection of the final design; and to monitor construction.

This bill would create the California ~~Lesbian-Gay-Bisexual and Transgender Veterans' Memorial~~ *Memorials* Commission and would provide for its composition and duties. It would authorize the design, construction, and dedication of ~~a memorial at an unspecified site~~ *memorials approved by the commission at unspecified sites*, as prescribed, and would *authorize the commission to review and respond to requests for a memorial; hold public hearings in this regard; and approve the appropriateness of a site for a memorial for any specified*

group of veterans. The bill also would authorize the commission, *once the commission has determined the need for any specific memorial*, to establish a schedule for its design, construction, and dedication; to solicit designs and devise a process for selection of the final design; and to monitor construction.

This bill would require that the funding for the memorial be from private contributions.

This bill would create the ~~Lesbian-Gay-Bisexual and Transgender California Veterans' Memorial~~ *Memorials Fund* in the State Treasury, into which all moneys received pursuant to the bill would be deposited.

This bill would require the commission to notify the Governor and the ~~Franchise Tax Board when~~ *Legislature whenever* the design, construction, and dedication of ~~the~~ *a* memorial is complete. ~~This bill would repeal its provisions on January 1 of the year following that notification.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature hereby finds and declares all of*
- 2 *the following:*
- 3 (a) *Veterans have served with great distinction and honor in*
- 4 *defending the United States and the constitutional rights of all*
- 5 *Americans. All veterans deserve to be honored for that service.*
- 6 *Veterans who have lost their lives should be honored for making*
- 7 *the ultimate sacrifice.*
- 8 (b) *At the federal, state, and local level there are memorials to*
- 9 *veterans based on service in a specific conflict or war. There are*
- 10 *also privately funded memorials to veterans. These memorials*
- 11 *recognize veterans who have served in virtually every conflict or*
- 12 *war in the history of the United States.*
- 13 (c) *There are also other memorials for veterans who are of a*
- 14 *certain cognizable group and those memorials are based on the*
- 15 *unique experience of that group in military service. In recognition*
- 16 *of Native Americans' unheralded history of military service,*
- 17 *Congress enacted in 1994 the Native American Veterans'*
- 18 *Memorial Establishment Act (Public Law 103-384; 20 U.S.C. Sec.*
- 19 *809 note) that authorized the erection of a Native American*
- 20 *veterans' memorial in Washington D.C. at a site to be determined*

by the National Museum of the American Indian. Congress in 1992 also authorized the Go for Broke National Veterans Association Foundation to establish a memorial in the District of Columbia or its environs to honor Japanese-American patriotism in World War II (Public Law 102-502; 40 U.S.C. Sec. 1003 note). In Los Angeles, there is the Japanese American Veterans Memorial Court at the Japanese American Cultural and Community Center to recognize the service of Japanese-American veterans. There are also monuments and memorials to recognize African-American veterans, women veterans, Jewish veterans, disabled veterans, and others.

(d) State law already establishes the Mexican American Veterans' Memorial Beautification and Enhancement Commission. However, there is no process in place for the creation of other California state memorials to other similar groups of veterans. Some veterans' groups believe that the state needs to join federal, local, and private organizations who have recognized various groups of veterans to appropriately recognize the sacrifice of these veterans.

(e) To properly recognize all veterans, a process must be created to review the need for and to create memorials, as appropriate. These memorials may be based on service in a specific conflict or war, or service by a specific cognizable group. The purpose of this act is to create such a process.

SEC. 2. Chapter 8.7 (commencing with Section ~~13370~~) 1370) is added to Division 6 of the Military and Veterans Code, to read:

CHAPTER 8.7. CALIFORNIA ~~LESBIAN GAY BISEXUAL AND~~
~~TRANSGENDER VETERANS' MEMORIAL~~ VETERANS'
MEMORIALS COMMISSION

~~13370.~~—

1370. (a) There is in state government, the California ~~Lesbian Gay Bisexual and Transgender Veterans' Memorial~~ Veterans' Memorials Commission composed of 11 members as follows:

(1) Two members appointed by the Speaker of the Assembly, at least one of whom shall be a Member of the Assembly, and at least one of whom shall be a veteran, as defined in Section 980.

(2) Two members appointed by the Senate Committee on Rules, at least one of whom shall be a Member of the Senate, and at least one of whom shall be a veteran, as defined in Section 980.

(3) Seven members appointed by the Governor, at least ~~two~~ *three* of whom shall be veterans, as defined in Section 980.

(b) The members shall elect one of their members to serve as chairperson.

~~13371.—~~

1371. Members of the Legislature shall serve on the commission as ex officio members without vote and shall participate in the activities of the commission to the extent that the participation is not incompatible with their legislative duties. Members of the commission shall receive no compensation.

~~13372.—~~

1372. The commission may request staff support and facilities for its activities from the Department of Veterans Affairs, and the department may provide that support and be reimbursed for the cost of this support.

~~13373.—~~

1373. The commission shall be responsible for setting policy consistent with the purposes of this chapter. The staff hired by the commission shall carry out that policy. *That policy shall be followed to fairly review and determine the need for the state to recognize the service of veterans. That service may be recognized in the form of a memorial as determined by the commission. Recognition may be based on service in a specific war or conflict, or based on service in the military as a member of a specific cognizable group.*

1374. (a) The commission shall review and consider any request for approval of a memorial to any specific group of veterans.

(b) By majority vote, the commission may approve the appropriateness of a memorial to any specific group of veterans.

(c) By majority vote, the commission may approve a specific site for a memorial to any specific group of veterans.

(d) Within 30 days of taking a vote, the commission shall notify the Legislature of any approval or disapproval of a request for a memorial to any specific group of veterans.

~~13374.—~~

1 1375. (a) (1) The design, construction, and dedication of a
2 ~~memorial is~~ *memorials approved by the commission are* hereby
3 authorized. The ~~memorial~~ *memorials* shall be dedicated to the
4 sacrifices and contributions that ~~lesbian, gay, bisexual, and~~
5 ~~transgender~~ veterans have made on behalf of their country.

6 (2) The actual site for the design, construction, and dedication
7 of ~~the~~ *a* memorial shall be selected by the commission and may
8 include state grounds or other grounds.

9 (3) The commission may designate an existing memorial if the
10 memorial is designed, constructed, dedicated, and maintained in
11 a manner consistent with this chapter.

12 (b) Funds for the design, construction, and dedication of the
13 memorial shall be provided through private contributions. ~~The~~
14 ~~commission may receive contributions for this purpose.~~

15 ~~13375. There is in the State Treasury the California Lesbian~~
16 ~~Gay Bisexual and Transgender Veterans' Memorial Fund to~~

17 1376. *There is in the State Treasury, the California Veterans'*
18 *Memorials Fund to receive any private resources obtained by the*
19 ~~California Lesbian Gay Bisexual and Transgender Veterans'~~
20 ~~Memorial Commission~~ *Veterans' Memorials Commission* for the
21 purpose described in subdivision (b) of Section ~~13374~~.

22 ~~13376. The 1375.~~

23 1377. (a) *The commission may do all of the following:*

24 (1) *Review and respond to any requests for a memorial.*

25 (2) *Hold timely public hearing to solicit public input on any*
26 *requests for a memorial and respond to public input.*

27 (3) *By majority vote, approve the appropriateness of a*
28 *memorial to any specific group of veterans.*

29 (4) *By majority vote, approve a specific site for a memorial to*
30 *any specific group of veterans.*

31 (5) *Receive private contributions for the purpose of*
32 *administering duties under this chapter.*

33 (b) *Requests may come from any veteran, family member of a*
34 *veteran, veterans' organization, elected official, member of the*
35 *commission, or any state resident.*

36 1378. *Once the commission has determined the need for any*
37 *specific memorial, it may do the following:* commission may do all
38 of the following:

39 (a) Establish a schedule for the design, construction, and
40 dedication of the memorial.

(b) Implement procedures to solicit designs for *the* design, construction, and dedication of the memorial and devise a selection process for the choice of the design.

(c) Select individuals or organizations to provide fundraising services and to design and construct the memorial.

(d) Review and monitor the design and construction of the memorial and establish a program for the dedication of the memorial.

(e) Consult with the Department of General Services to determine parameters for the final size of the memorial.

(f) Consult with and obtain final design and site orientation approval from the Department of General Services.

~~13377.—~~

1379. The design of ~~the~~ *a* memorial shall be as politically neutral as possible.

~~13378.—(a)—~~

1380. The commission shall notify the Governor and the Franchise Tax Board ~~when~~ *Legislature whenever* design, construction, and dedication of ~~the~~ *a* memorial pursuant to this chapter is complete.

~~(b) This chapter shall remain in effect only until, and shall be repealed on, January 1 of the year following the notification required by subdivision (a), unless a later enacted statute, which is enacted before that date, deletes or extends that date.~~